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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/517,200	12/08/2004	Masaya Ocho	2004-1944A	7601

7590 08/22/2005

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Suite 800
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EXAMINER

SANDERS, KRIELLION ANTIONETTE

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/517,200

Applicant(s)

OCHO ET AL.

Examiner

Kriellion A. Sanders

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim s 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 2001-192482 in view of Japanese Patent No. 07082449.

Applicant claims a polyol curable fluororubber comprising

100 parts by weight of fluororubber

6-15 parts by weight magnesium oxide

0.5 to 5.0 parts by weight of hydrotalcite group compound.

20-55 parts by weight of a mixture of thermal black and bituminous coal

Applicant also discloses a method for the production of the composition wherein the fluororubber is cured in the presence of the polyol by a stepwise temperature elevation treatment at 100 to 300 degrees C.

Japanese Patent No. 2001-192482 discloses a polyol curable fluororubber useful for manufacturing seal packing comprising:

100 parts by weight of fluororubber

4-15 parts by weight magnesium oxide

0.5 to 5.0 parts by weight of hydrotalcite group compound

10-50 parts by weight of a mixture of thermal black and bituminous coal.

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The ratios of the components of the Japanese reference overlap with those of applicant's invention. The patented invention differs from applicant's invention in that it fails to include 0.5 to 5.0 parts by weight of hydrotalcite group compound. Patentee also discloses a method for the production of the composition wherein the fluororubber is vulcanized in the presence of the polyol with subsequent heat treatment at 250 to 300 degrees C. This vulcanization method is considered to be equivalent to applicant's temperature elevation treatment, absent the disclosure of any particulars that would render it as being distinct. The Japanese Patent discloses that fluororubbers may be used in a generic sense. Specific species of fluororubbers are not set forth. Therefore, the use of any specific species of fluororubber including vinylidene fluoride-hexafluoropropene-based copolymerized rubber would be an obvious selection of fluororubber for purposes of the invention.


Japanese Patent No. 07082449 discloses a polyol curable fluororubber useful for manufacturing seal packing comprising a fluororubber and a hydrotalcite-analog compound. The fluororubbers are said to have good oil-resistance while maintaining sufficient properties in processability, mold-releasability and vulcanization properties.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include the hydrotalcite-analog compound of Japanese Patent No. 07082449 into the fluororubbers of Japanese Patent No. 2001-192482 to produce fluororubbers having good oil-resistance and sufficient properties in processability, mold-releasability and vulcanization properties. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kriellion A. Sanders whose telephone number is 571-272-1122. The examiner can normally be reached on Monday through Thursday 6:30-7:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on 571-272-1119. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Krellion A. Sanders
Primary Examiner
Art Unit 1714

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